IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1461 OF 2004
IN
WRIT PETITION NO.7147 OF 2004

Pandurang Tatoba Waingade .. Applicant.
Vs.
Ganpati Kashinath Shinde & Ors. .. Respondents.

Mr.B.K.Joshi for the applicant.
Mr.Sandesh Patil for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 29TH OCTOBER, 2004

P.C.:

. Heard Mr.Joshi, learned counsel for the applicant and Mr.Patil, learned counsel for respondent no.1.

2. The applicant and respondent no.1 both claim that they are in possession of 6 Ares of land in Gat No.1050/2. In so far as the applicant is concerned, according to Mr.Joshi, he is in possession of 6 Ares in Gat No.1050/2 and the said land is vacant. He further submits that the applicant was put in possession thereof in 1993 by the Tahsildar in execution proceedings and since then he is in possession of the said land. As

against this Mr.Sandesh Patil, learned counsel for respondent no.1 contends that respondent no.1 is in possession of 6 Ares in Gat No.1050/2. He further contends that the father of the applicant had sold the said land to him in which he constructed theatre in 1979 and since then he is enjoying the said property. It is clear from the submissions made by the learned counsel appearing for the parties that though the extent of land and gat number is similar the portion of land in possession of each of them seems to be different. I refrain from entering into merits of the petition at this stage. However, keeping in view the categoric submissions advanced by the learned counsel for the parties the appropriate course would be direct them to maintain status quo in so far as the land in their possession is concerned. The applicant's possession over 6 Ares of land which according to him is vacant shall not be disturbed by respondent no.1 similarly respondent no.1's possession over the plot of land where he constructed theatre in 1977 shall not be disturbed by the applicant. Post the writ petition for final hearing in the week commencing from 17th January, 2005.

(D.B.Bhosale, J.)